

SECOND REGULAR SESSION

HOUSE BILL NO. 2064

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BERRY.

6278H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to solar rebates.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 393, RSMo, is amended by adding thereto one new section, to be known as section 393.1200, to read as follows:

393.1200. 1. As used in this section, the following terms mean:

- (1) "Charter school", the same as defined in section 160.400;**
- (2) "Commission", the public service commission;**
- (3) "Electrical corporation", the same as defined in section 386.020;**
- (4) "Nonprofit organization", any corporation that is recognized as exempt under Section 501(c)(3) of the Internal Revenue Code, or any successor section;**
- (5) "Private school", a school that is not part of the public school system of the state of Missouri and that charges tuition for the rendering of elementary, secondary educational, or postsecondary education services;**
- (6) "Public school", may include seven-director, urban, and metropolitan school districts as defined in section 160.011, or any public institution of higher education;**
- (7) "Renewable energy credit", the same as defined in section 393.1025.**

2. As provided for in this section, except for those electrical corporations that qualify for an exemption under section 393.1050, each electrical corporation shall make available to its public school, private school, charter school, political subdivision, and nonprofit organization retail customers a solar rebate for new or expanded solar electric systems sited on public school, private school, charter school, political subdivision, or nonprofit organization retail customers' premises, up to a maximum of twenty-five

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 kilowatts per system, measured in direct current that were confirmed by the electrical
20 corporation to have become operational in compliance with the provisions of section
21 386.890. The solar rebates shall be two dollars per watt for systems becoming operational
22 on or before August 28, 2014; one dollar and fifty cents per watt for systems becoming
23 operational between August 29, 2014, and June 30, 2015; one dollar per watt for systems
24 becoming operational between July 1, 2015, and June 30, 2016; fifty cents per watt for
25 systems becoming operational between July 1, 2016, and June 30, 2017; fifty cents per watt
26 for systems becoming operational between July 1, 2017, and June 30, 2019; twenty-five
27 cents per watt for systems becoming operational between July 1, 2019, and June 30, 2020;
28 and zero cents per watt for systems becoming operational after June 30, 2020. Public
29 schools, private schools, charter schools, political subdivisions, and nonprofit organizations
30 that timely filed an application for a rebate under a different rebate program shall be
31 eligible for rebates under this section, including a two dollar per watt rebate for systems
32 becoming operational on or before August 28, 2014. An electrical corporation may,
33 through its tariffs, require applications for solar rebates to be submitted up to one hundred
34 eighty-two days prior to the operational date. Nothing in this section shall prevent an
35 electrical corporation from offering solar rebates to public school, private school, charter
36 school, political subdivision, or nonprofit organization retail customers after July 1, 2020,
37 through an approved tariff.

38 3. Annual costs to comply with this section, separate from complying with section
39 393.1030, shall be limited to one percent of the electrical corporation's annual base revenue
40 level as determined by the commission in the electrical corporation's most recent general
41 rate proceeding. At no point shall this section raise the retail rates charged to customers
42 of electrical corporations by an average of more than one percent in any year, and all the
43 costs associated with complying with this section shall be recoverable in the retail rates
44 charged by the electrical corporation. The commission may amortize the costs over more
45 than one year to keep the maximum average retail rate increase less than one percent.

46 4. If the electrical corporation determines the maximum average retail rate increase
47 provided for in subsection 3 of this section will be reached in any calendar year, the
48 electrical corporation shall be entitled to cease paying solar rebates to the extent necessary
49 to avoid exceeding the maximum average retail rate increase if the electrical corporation
50 files with the commission to suspend its rebate tariff for the remainder of that calendar
51 year at least sixty days prior to the change taking effect. The filing with the commission
52 to suspend the electrical corporation's rebate tariff shall include the calculation reflecting
53 that the maximum average retail rate increase will be reached and supporting
54 documentation reflecting that the maximum average retail rate increase will be reached.

55 The maximum average retail rate increase calculation shall ignore any solar-related
56 projects initiated, owned, or operated by the electrical corporation. The commission shall
57 rule on the suspension filing within sixty days of the date it is filed. If the commission
58 determines that the maximum average retail rate increase will be reached, the commission
59 shall approve the tariff suspension. The electrical corporation shall continue to process
60 and pay applicable solar rebates until a final commission ruling; however, if the continued
61 payment causes the electrical corporation to pay solar rebates that cause it to exceed the
62 maximum average retail rate increase, the expenditures shall be considered prudently
63 incurred costs and shall be recoverable as such by the electrical corporation.

64 5. As a condition of receiving a solar rebate:

65 (1) The public school, private school, charter school, political subdivision, or
66 nonprofit organization customer shall transfer to the electrical corporation all right, title,
67 and interest in and to the renewable energy credits associated with the new or expanded
68 solar electric system that qualified the customer for the solar rebate for a period of ten
69 years from the date the electrical corporation confirmed that the solar electric system was
70 installed and operational; and

71 (2) The public school, private school, or charter school shall provide science,
72 technology, engineering, and mathematics learning opportunities for its students relating
73 to renewable energy and energy efficiency.

74 6. Notwithstanding the provisions of subsection 3 of this section to the contrary, the
75 electrical corporation's costs of complying with this section shall not raise the retail rates
76 charged to the customers of electrical corporations if the customer:

77 (1) Has one or more accounts within the service territory of the electrical
78 corporation that has a demand of five thousand kilowatts or more; or

79 (2) Operates an interstate pipeline pumping station, regardless of size.

80 7. The commission shall have the authority to promulgate rules for the
81 implementation of this section, but only to the extent such rules are consistent with, and
82 do not delay the implementation of, the provisions of this section. Any rule or portion of
83 a rule, as that term is defined in section 536.010, that is created under the authority
84 delegated in this section shall become effective only if it complies with and is subject to all
85 of the provisions of chapter 536 and, if applicable, section 536.028. This section and
86 chapter 536 are nonseverable and if any of the powers vested with the general assembly
87 under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
88 are subsequently held unconstitutional, then the grant of rulemaking authority and any
89 rule proposed or adopted after August 28, 2014, shall be invalid and void.

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